



## Legislation Details (With Text)

**File #:** CPC NV 16-00149    **Version:** 2    **Name:**

**Type:** Planning Case    **Status:** Passed

**File created:** 3/27/2017    **In control:** City Council

**On agenda:** 6/27/2017    **Final action:** 6/27/2017

**Title:** A non-use variance for Kum and Go Store 689 to allow a nine (9) foot building setback along Cobalt Drive where 25 feet is required, property is located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard.

(Quasi-Judicial)

Related Files: CPC A 16-00133R (public hearing dates), CPC A 16-00133-1, CPC A 16-00133-1R, CPC A 16-00133-2, CPC A 16-00133-2R, CPC V 16-00147, CPC ZC 16-00146, CPC DP 16-00148, CPC NV 16-00149

**Presenter:**  
Peter Wysocki, Director Planning and Community Development  
Michael Schultz, Principal Planner, Planning and Community Development

**Sponsors:**

**Indexes:** Kum & Go #689

**Code sections:**

**Attachments:** 1. Figure 6 - Kum and Go Store 689 DP, 2. 7.3.pdf, 3. 7.5.802 Nonuse Variance

Date	Ver.	Action By	Action	Result
6/27/2017	2	City Council	approved	Pass
5/18/2017	1	Planning Commission	referred	Pass
4/20/2017	1	Planning Commission	postpone to a date certain	Pass

A non-use variance for Kum and Go Store 689 to allow a nine (9) foot building setback along Cobalt Drive where 25 feet is required, property is located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard.

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**Presenter:**  
Peter Wysocki, Director Planning and Community Development  
Michael Schultz, Principal Planner, Planning and Community Development

**Summary:**  
Applicant: Olsson Associates

Owner: VCB LLC and Frontier Bank

Location: Northeast corner of Austin Bluffs Parkway and Park Vista Boulevard

This project includes concurrent applications for annexation of two parcels, Annexation Number 1 is consisting of .773-acres and Annexation Number 2 consisting of 1.403 acres; vacation of right-of-way Pearl Drive would occur between Park Vista Boulevard and Cobalt Drive and consists of 9,096 square feet (.209-acre); establishment of a PBC (Planned Business Center) zone district consisting of 1.539 acres; a development plan for a 6,210 square foot convenience store and a non-use variance to allow a nine (9) foot front yard setback along Cobalt Drive where 25-feet is required.

**Previous Council Action:**

On May 23, 2017, City Council adopted a resolution finding a petition for annexation of the subject properties to be in substantial compliance and setting a hearing date of June 27, 2017 to consider the annexation of the subject properties.

**Background:**

The subject properties are located at the northeast corner of Austin Bluffs Parkway and Park Vista Boulevard. The two properties are owned by separate owners but will be purchased by Kum & Go, LLC upon approval of the annexation and accompanying land use applications. Kum & Go Store 689 Annexation Number 1 (Parcel 1) consists of .773-acre (including right-of-way), is owned by Frontier Bank and currently undeveloped. Kum & Go Store 689 Annexation Number 2 (Parcel 2) consists of 1.403 acres (including right-of-way), is owned by VCB, LLC and has two warehouse buildings on the site. Due to the separate ownership of the properties and Parcel 2 being just shy of the minimum 1/6th contiguity, separate actions are requested regarding the annexations with Parcel 1 being decided upon first in order to provide proper contiguity to the City boundary for Parcel 2.

The proposed development also includes vacating a portion of Pearl Drive located between Park Vista Boulevard and Cobalt Drive. The right-of-way is 50-feet in width and the vacated area would total 9,096 square feet (.209-acre). The requested vacation of right-of-way would bridge the two properties and create one parcel for development. Access to the properties along Cobalt Drive can occur north on Pearl Drive at Chromium Drive, approximately 660-feet from Pearl Drive, or the proposed access along Austin Bluffs Parkway.

The applicant also requests an establishment of zone district of PBC/AO (Planned Business Center with Airport Overlay) for the subject property; the PBC zone district is the predominant zoning within the immediate area and would also be consistent with the zoning along the north portion of Austin Bluffs Boulevard to Academy Boulevard.

The Kum & Go Store #689 Development Plan consists of a 6,210 square foot convenience store with six (6) fueling pumps under a canopy cover; the development plan consists of 1.539 acres. The plan proposes four (4) access points, two (2) along Park Vista Boulevard and two (2) along Cobalt Drive. The rear access would primarily serve as a delivery area for trucks. Twenty-four (24) parking stalls are provided along with a bike parking rack for five (5) bicycles. A water quality facility is proposed on the southern portion of the site adjacent to Austin Bluffs Parkway. Pedestrian access to the building is being provided from the Park Vista Boulevard side of the site; grade along the east side of the site requires placement of a retaining wall that would restrict providing a pedestrian connection.

As part of the development of the property, Kum & Go will construct Cobalt Drive to a 34-foot road width (face-of-curb to face-of-curb) or a 30-foot road mat, a six (6) foot sidewalk would be

constructed along the west side of Cobalt Drive. A public sidewalk would also be constructed along Park Vista Boulevard, a five (5) foot wide sidewalk along a portion of Pearl Drive to tie into an existing five (5) foot sidewalk and a six (6) foot wide sidewalk from Pearl Drive to the north property line.

The applicant is also seeking a non-use variance due to the unique parcel shape and fronting onto three (3) streets; the applicant requests to allow a nine (9) foot front yard setback along Cobalt Drive where 25-feet is required (City Code Section 7.3.204). Staff points out that a number of industrial buildings north of the subject property are at or near zero (0) setback along Cobalt Drive; a reduced setback for the convenience store would be consistent for buildings within the area.

A final plat for the proposed project is being reviewed administratively; approval is subject to approval of the annexation and development plan requests.

This item supports the City's strategic goal relating to building community by fostering a land use pattern that encourages infill development.

Please see the attached City Planning Commission staff report for additional detailed analysis.

#### **Financial Implications:**

A Fiscal Impact Analysis (FA) is required for all annexation requests and is completed by the City Budget Office. Attached is the FIA for the proposed annexation and development of the site. Staff anticipates that annexing of the subject properties and subsequent commercial zoning will have a positive fiscal impact to the City.

#### **Board/Commission Recommendation:**

At their meeting on May 18, 2017 the City Planning Commission, after receiving a staff and applicant presentation and public input as part of the New Business calendar, voted unanimously 6-0-3 (6 yes, 0 no, 3 absent) to recommended approval of both annexation requests, Number 1 and Number 2, the vacation of a portion of Pearl Drive right-of-way, establishment of zone for a PBC/AO zone district, the Kum and Go Store 689 Development Plan and the non-use variance regarding setback.

#### **Stakeholder Process:**

The public process included posting the site and sending postcards on two separate occasions to 110 property owners within 750 feet of the subject properties (note this application was submitted prior to the current 1,000 foot buffer notification). Staff received three comments from surrounding property owners regarding the proposed requests.

The property owner (Austin Investment Group LLC) located east of the subject site, on the east side of Cobalt Drive and within unincorporated El Paso County, voiced concern over the future connection of Cobalt Drive to Austin Bluffs Parkway. The property owner has access to Cobalt Drive currently (directly across from where Pearl Street connects at Cobalt Drive) and needed to ensure access would remain open. At this time access along Cobalt will not be eliminated as part of the construction of Cobalt Drive to City standards by Kum & Go.

The property owner at the northwest corner of Park Vista Boulevard and Pearl Drive (Cheyenne Village LLC, 4270 Pearl Drive) voiced concern over the location of the service connection to the CSU wastewater main, which connects approximately midway between Park Vista Boulevard and Cobalt Drive within the right-of-way of Pearl Drive. The manager of the facility appeared before City Planning Commission at its May 18, 2017 meeting to state there is currently no agreement between

the owner and Kum & Go regarding reconnection of the wastewater service. The consultant for Kum & Go responded that they are currently working with Colorado Springs Utilities regarding final design for water and wastewater services; once those have been completed they can determine an appropriate design to reconnect the wastewater service for 4270 Pearl Drive at no cost to the owner. Colorado Springs Utilities is aware of this issue and will ensure reconnection for the property owner.

A third property owner along Park Vista Boulevard voiced concern over the volumes of morning traffic, particularly concerning high school aged students attending Doherty High School across Austin Bluffs Parkway on Barnes Road. At this time stop signs on Park Vista Boulevard at Pearl Street would not be warranted; a stop sign on Pearl Street and that of exiting traffic from the site will create a two-way stop at that intersection. City Traffic Engineering agreed to monitor the situation after construction of the gas station and determine if signal timing should be adjusted.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Finance, Police and E-911.

This site is within the Airport Overlay; the Airport Advisory Committee provided standard comments including that the applicant record an avigation easement over the property; the easement is currently being processed with Real Estate Services.

**Alternatives:**

1. Uphold the action of the City Planning Commission.
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

**Proposed Motion:**

CPC NV 16-00149 - NON-USE VARIANCE

Approve the non-use variance from City Code Section 7.3.204 to allow a nine (9) foot building setback where 25-feet is required based upon the findings the non-use variance complies with the review criteria in City Code Section 7.5.802.B.

N/A